IN THE HIGH COURT OF JUDICAUTRE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

(103) **COMPANY APPLICATION NO. 60 OF 2005**
IN
COMPANY PETITION NO. 125 OF 1999

M/s. Balkrishna Industries ... Petitioners

Vs.

The Official Liquidator ... Respondents

And

Mrs. Kuksumben Kantilal Shah and anr.. Applicants

Mr. Ajay Fernandez with Mr. Gautam Panchal i/by
Bilawala & Co. for Applicants.

Ms. K.V. Gautam, Dy. Off. Liquidator present.

CORAM : A.M. KHANWILKAR,J.
DATED : JULY 15, 2005

P.C.

. Heard counsel for the applicants and representative of the Official Liquidator. According to representative of Official Liquidator, the applicants can submit an application with regard to the arrears of rent to the Official Liquidator which can be considered by the Official Liquidator. However, in my opinion, the question whether the company is in arrears as is alleged and in any case whether the relief of possession can be granted against the company on that count will have to be agitated before the rent Court. Accordingly, the applicants ought to succeeded in this

application. The application is therefore, made absolute in terms of Prayer Clauses (a) and (b). This permission is granted on condition that the applicants will be responsible for the legal expenses to be incurred to prosecute the rent proceedings to be taken out by the applicants before the Rent Court. The applicants to deposit the sum of Rs.10,000/- in the office of the Official Liquidator before serving summons of the rent proceedings. Ordered accordingly.

(A.M. KHANWILKAR,J.)